

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Team # 6	CCRB Case #: 201401889	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 02/15/2014 3:10 PM	Location of Incident: § 87(2)(b)	Precinct: 122	18 Mo. SOL 8/15/2015	EO SOL 8/15/2015	
Date/Time CV Reported Fri, 02/21/2014 9:52 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/26/2014 4:46 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Elizabeth Adams	18705	946720	122 PCT
2. POM David Kosinski	09834	949178	122 PCT
3. SGT Denis Samuylin	03457	935680	121 PCT
4. POM Bryan Dunn	03983	950355	121 PCT
5. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POF Elizabeth Adams	Abuse: PO Elizabeth Adams refused to provide her name and shield number to § 87(2)(b)	§ 87(2)(b)
B.POF Elizabeth Adams	Force: PO Elizabeth Adams used a chokehold against § 87(2)(b)	§ 87(2)(b)
C.SGT Denis Samuylin	Force: Sgt. Denis Samuylin used physical force against § 87(2)(b)	§ 87(2)(b)
D.POF Elizabeth Adams	Force: PO Elizabeth Adams used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM David Kosinski	Force: PO David Kosinski used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM Bryan Dunn	Force: PO Bryan Dunn used physical force against § 87(2)(b)	§ 87(2)(b)
G. An officer	Abuse: An officer damaged § 87(2)(b)'s property.	§ 87(2)(b)
H.SGT Denis Samuylin	Discourtesy: Sgt. Denis Samuylin acted discourteously toward § 87(2)(b)	§ 87(2)(b)
I.POF Elizabeth Adams	Discourtesy: PO Elizabeth Adams acted discourteously toward § 87(2)(b)	§ 87(2)(b)
J.POM David Kosinski	Discourtesy: PO David Kosinski acted discourteously toward § 87(2)(b)	§ 87(2)(b)
K.POM Bryan Dunn	Discourtesy: PO Bryan Dunn acted discourteously toward § 87(2)(b)	§ 87(2)(b)

Case Summary

On February 21, 2014, § 87(2)(b) filed this complaint with IAB via telephone. On February 26, 2014, the complaint was forwarded to the CCRB via IAB log #14-6846.

At approximately 3:10 p.m., § 87(2)(b) was arrested for criminal trespass by PO Elizabeth Adams of the 122nd Precinct at § 87(2)(b) in Staten Island. The following allegations resulted:

- **Allegation A: Abuse of Authority – PO Elizabeth Adams refused to provide her name and shield number to § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation B: Force – PO Elizabeth Adams used a chokehold against § 87(2)(b)**
- **Allegation C: Force – Sgt. Denis Samuylin used physical force against § 87(2)(b)**
- **Allegation D: Force – PO Elizabeth Adams used physical force against § 87(2)(b)**
- **Allegation E: Force – PO David Kosinski used physical force against § 87(2)(b)**
- **Allegation F: Force – PO Bryan Dunn used physical force against § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation G: Abuse of Authority – An officer damaged § 87(2)(b)'s property.**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation H: Discourtesy – Sgt. Denis Samuylin acted discourteously towards § 87(2)(b)**
§ 87(2)(g)
- **Allegation I: Discourtesy – PO Elizabeth Adams acted discourteously towards § 87(2)(b)**
§ 87(2)(g)
- **Allegation J: Discourtesy – PO David Kosinski acted discourteously towards § 87(2)(b)**
§ 87(2)(g)
- **Allegation K: Discourtesy – PO Bryan Dunn acted discourteously towards § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(b)'s complaint is ineligible for mediation § 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a 5'11", 235-pound black male with black hair and brown eyes.* § 87(2)(b) *.* § 87(2)(b) *is* § 87(2)(b)'s brother.

Arrest Photograph

§ 87(2)(b) has no visible injuries in his arrest photograph (Encl. 5K).

Statements to Medical Providers

At 3:53 p.m. on February 15, 2014, § 87(2)(b) was treated at § 87(2)(b). He complained of pain to his abdomen, chest and right shoulder, as well as nausea and anxiety. § 87(2)(b) stated that he had been hit by police officers during an altercation (Encl. 12A).

At 10:04 p.m. on February 15, 2014, § 87(2)(b) was treated at § 87(2)(b). He complained of pain to his neck, abdomen and left shoulder, which resulted from an altercation he had had earlier with the police. § 87(2)(b) also stated that he had blacked out momentarily during the altercation, and had vomited several times since then (Encl. 12B).

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on March 5, 2014 (Encl. 5D-F). He filed his initial complaint with IAB on February 26, 2014 (Encl. 5A), and provided a telephone statement to the CCRB on February 28, 2014 (Encl. 5B0C). § 87(2)(g)

Prior to the incident, § 87(2)(b) resided at § 87(2)(b) in Staten Island. The building is owned by the § 87(2)(b). § 87(2)(b) lived with his brother, § 87(2)(b). During the fall of 2013, efforts were made to evict § 87(2)(b) from the apartment. § 87(2)(b) was unable to fully explain the situation, and did not seem to understand several important details, such as whether the proceedings were initiated by his brother or the management company. Eviction notices had been issued at least two times during the course of the case, but on each occasion, the judge issued stays and allowed § 87(2)(b) to remain in § 87(2)(b). The last of these stays had been issued approximately one week before February 15, 2014. On that date, the judge informed § 87(2)(b) that he could stay at the apartment until February 22, 2014. During his initial complaint, § 87(2)(b) further stated that a city marshal had attempted to evict him only days before the incident, but that the marshal allowed him to stay at § 87(2)(b) once he explained the stay to him.

At approximately 3:10 p.m. on February 15, 2014, § 87(2)(b) was asleep in § 87(2)(b). He was alone in the apartment at the time. In his initial complaint, § 87(2)(b) mentioned that § 87(2)(b) had left the apartment a short time before to go to work. In his sworn statement, however, he stated that § 87(2)(b) was not living there at the time, but had told § 87(2)(b) that he would be visiting the apartment that afternoon.

§ 87(2)(b) was awoken by the sound of the doorbell. When he approached the door, he heard a female, identified by the investigation as PO Elizabeth Adams of the 122nd Precinct, shouting loudly, identifying herself as a police officer. When § 87(2)(b) opened the door, PO Adams entered the apartment with three other uniformed officers, identified by the investigation as PO David Kosinski of the 122nd Precinct and Sgt. Denis Samuylin and PO Bryan Dunn of the 121st Precinct. The officers walked into § 87(2)(b)'s bedroom in the back of the apartment.

When § 87(2)(b) followed them to the bedroom, PO Adams told § 87(2)(b) that he had to leave the apartment. She was visibly angry, and spoke in a loud voice. § 87(2)(b) in contrast, remained calm while speaking to her. None of the other officers spoke to § 87(2)(b). When § 87(2)(b) tried to explain to her that he had been given a stay and was still entitled to stay at the apartment, PO Adams refused to listen. § 87(2)(b) showed her a piece of unidentified paperwork he received during the proceedings, but PO Adams snatched the paper from his hand and threw it onto the bed without reading it. When § 87(2)(b) insisted that she read the paper, PO Adams told him, “I’m going to drag you out in the snow in your slippers and pajamas and throw you in the snow.” § 87(2)(b) told PO Adams that he was going to file a complaint against her. He asked PO Adams for her name and shield number. PO Adams told § 87(2)(b) that her identifying information would be provided to him when he appeared in court. She did not provide this information to § 87(2)(b) herself.

§ 87(2)(b) decided to leave the apartment to avoid provoking PO Adams. He began to dress himself. As he pulled on his pants, PO Adams started counting out loud. § 87(2)(b) interpreting this as PO Adams trying to hurry him out of the apartment, told her that there was no need to be rude. PO Adams responded by coming up behind § 87(2)(b) wrapping her arms around his neck and right shoulder, and placing him in a chokehold. § 87(2)(b) was unable to breathe due to the pressure on his neck. § 87(2)(b) was quickly able to pull himself away from PO Adams and disengage the hold. He then held both of his hands up to his chest, with palms facing outwards, and told PO Adams that there was no need to use force. PO Adams responded by placing him in the same hold, again restricting § 87(2)(b)'s breathing.

One of the three male officers then punched § 87(2)(b) in the stomach, causing § 87(2)(b) to fall to the ground. § 87(2)(b) did not recall which of the officers struck him. He landed on his right side. § 87(2)(b) could not clearly state whether PO Adams was still holding on to him when he fell to the ground. Once on the ground, all four officers gathered around him and began both punching him on his head and chest, and stomping their feet on his legs. § 87(2)(b) could not estimate the total number of blows he received, but believed that he received at least ten punches to the head. In his sworn statement and his telephone statement, § 87(2)(b) stated that he responded to the officers’ force by curling up in the fetal position, bringing both of his arms up towards his face to protect himself. In his initial complaint, § 87(2)(b) stated that he instead tried to crawl away from the officers. As the officers struck him, § 87(2)(b) repeatedly told them to stop, stating that he would leave the apartment voluntarily. He did not recall if the officers said anything to him at the time.

After an unknown amount of time, the officers ceased striking § 87(2)(b). They pulled his arms behind his back and placed him in handcuffs. In his initial complaint, § 87(2)(b) had stated that he had been handcuffed before the officers started striking him. § 87(2)(b) did not specify when he was handcuffed in his telephone statement. One of the male officers then took § 87(2)(b)'s glasses from his face and stepped on them, shattering the lenses. § 87(2)(b) was not able to recall which of the officers struck him. In his initial complaint, § 87(2)(b) stated that the officer damaged his glasses before he went to the ground. He made no mention of his glasses being damaged in his telephone statement. All four officers then spat on § 87(2)(b)'s face. They then dragged § 87(2)(b) out of the apartment by his shoulders, and took him to the front of the building.

§ 87(2)(b) was loaded into the back of a marked police car. At the time, § 87(2)(b) felt pain in his neck, shoulders, arms and stomach. He also felt swelling around his neck, and had abrasions

on both wrists. The pain in § 87(2)(b)'s chest caused him to have difficulty breathing. § 87(2)(b) also vomited several times in the rear of the vehicle. The officers called an ambulance, and had § 87(2)(b) transported to § 87(2)(b). He was given an X-ray at the hospital, showing that he had not received any serious injuries. § 87(2)(b) was then transported to the 122nd Precinct stationhouse, before being taken to Staten Island Central Booking at the 120th Precinct stationhouse.

At Central Booking, § 87(2)(b) complained that he still had trouble breathing. He was transported to § 87(2)(b), where he was given another round of X-rays. § 87(2)(b) was once more found to have no injuries.

During his telephone statement, § 87(2)(b) stated that before his arraignment, officers from the 122nd Precinct told him that he had injured one of the four officers during the arrest, and that this officer had to be hospitalized as a result. § 87(2)(b) did not know which officer he had supposedly injured. He accused the officers of lying about the injury in order to add a resisting arrest charge. § 87(2)(b) made no mention of any injuries to the officers during his other statements.

Witness: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) old at the time of the incident, is a white male. § 87(2)(b)

Telephone Statement

§ 87(2)(b) provided a telephone statement on April 17, 2014 (Encl. 6A-B). Before the incident, § 87(2)(b)'s employer, the § 87(2)(b), owners of § 87(2)(b) in Staten Island, had initiated eviction procedures against § 87(2)(b) and his brother, identified by the investigation as § 87(2)(b). Both brothers were living in § 87(2)(b). After several months in housing court, the brothers were formally evicted on February 14, 2014. The eviction was formally served by a city marshal, and ConEdison shut off the power to the apartment. By that time, § 87(2)(b) had already moved out of the apartment. § 87(2)(b) however, still lived there at the time of the eviction.

At approximately 12:00 p.m. on February 15, 2014, § 87(2)(b) discovered that § 87(2)(b) had managed to get back into the building and break into the apartment. He called 911 to report § 87(2)(b). Two unidentified officers responded to the apartment and instructed § 87(2)(b) to leave. § 87(2)(b) complied with this order, and left the premises.

At approximately 3:10 p.m., § 87(2)(b) noticed an extension cord running from an outlet in the hallway to § 87(2)(b). Suspecting that § 87(2)(b) had managed to get back into the apartment again, § 87(2)(b) called 911 again. Two uniformed officers, identified by the investigation as PO Adams and PO Kosinski, responded to this report. § 87(2)(b) explained the situation to the officers, and directed them to § 87(2)(b). He told the officers that he did not want to have § 87(2)(b) arrested, and only wanted him to be escorted from the premises. § 87(2)(b) did not go with the officers to the apartment.

About ten minutes later, two additional uniformed officers, identified by the investigation as Sgt. Samuylin and PO Dunn, arrived at the building. § 87(2)(b) escorted Sgt. Samuylin and PO Dunn upstairs to § 87(2)(b). When they arrived, he found § 87(2)(b) sitting on his bed, arguing

with PO Adams and PO Kosinski. § 87(2)(b) was visibly angry, and was shouting profanities at the officers. All of the officers remained calm and spoke at a normal volume throughout the incident.

§ 87(2)(b) waved several pieces of paper at the officers, claiming that they were records from the eviction proceedings in housing court. When § 87(2)(b) reviewed his paperwork, he saw that the court had allowed him to make a single visit back to the apartment in order to retrieve his possessions. The court had not given any kind of stay for the eviction order. When the officers tried to explain this to § 87(2)(b) he refused to listen to them, and told them that he would not leave the apartment. One of the officers, whom § 87(2)(b) did not recall, told § 87(2)(b) that he would be escorted out of the building if he did not leave voluntarily. Shortly after arriving, § 87(2)(b) was called away from the apartment by one of his employees for an unrelated matter. As a result, § 87(2)(b) did not witness § 87(2)(b)'s arrest. He did not know if any force was used to detain § 87(2)(b).

§ 87(2)(b) next saw § 87(2)(b) being escorted through the lobby by the officers. He did not observe any injuries to § 87(2)(b) but recalled seeing PO Kosinski clutching at his side. He recalled seeing an ambulance respond to the building to treat § 87(2)(b) but did not know why the ambulance had been called.

Additional Civilian Statement: § 87(2)(b)

- § 87(2)(b) is a black male. He is § 87(2)(b)'s brother.

Telephone Statement

§ 87(2)(b) provided a telephone statement on March 28, 2014 (Encl. 7A). Before the incident, § 87(2)(b) had been living in § 87(2)(b) with § 87(2)(b) until the fall of 2013. He had attempted to evict § 87(2)(b) but had been unable to, as § 87(2)(b) had claimed that he was disabled and unable to care for himself, thus making it illegal to evict him. This claim had prompted the city marshals to launch an investigation to determine whether § 87(2)(b) was fit to take care of himself. Eventually, § 87(2)(b) gave up trying to evict § 87(2)(b) and moved out of the apartment himself.

After § 87(2)(b) left, the § 87(2)(b) tried to evict § 87(2)(b) as well. In February 2014, the marshals completed their investigation into § 87(2)(b) and determined that he was fit to care for himself, and thus could be evicted. On February 14, 2014, § 87(2)(b) was informed that the eviction had been carried out, and that the marshals had changed the locks on the apartment. § 87(2)(b) called § 87(2)(b) to inform him of this.

At both 12:00 p.m. and 3:10 p.m. on February 15, 2014, § 87(2)(b) received phone calls from the building superintendent, identified by the investigation as § 87(2)(b). He informed § 87(2)(b) on both occasions that § 87(2)(b) had somehow managed to get back into § 87(2)(b). During the first call, the police had escorted § 87(2)(b) out of the building without arresting him. During the second call, however, the police had been forced to arrest § 87(2)(b).

NYPD Statement(s):

Subject Officer: PO ELIZABETH ADAMS

- PO Adams, § 87(2)(b) old at the time of the incident, is a 5'9", 135-pound white female with brown hair and green eyes.
- On February 15, 2014, PO Adams worked from 7:05 a.m. until 3:40 p.m. She was assigned to Sector I in the 122nd Precinct with PO David Kosinski. PO Adams was in uniform, and assigned to marked RMP #3092.

Memo Book

At 2:42 p.m. on February 15, 2014, PO Adams responded to a report of a crime in progress at § 87(2)(b). At 2:50 p.m., she arrived at the location. At 2:55 p.m., a sergeant from the 121st Precinct responded to the location and signed PO Adams' memo book. At 3:10 p.m., an arrest was made. At 3:39 p.m., PO Adams escorted EMS to § 87(2)(b). At 4:30 p.m., she traveled to the 122nd Precinct stationhouse to process the arrest. At 8:30 p.m., she prepared property vouchers for the arrest. She identified the prisoner as § 87(2)(b). § 87(2)(b) had been arrested for criminal trespassing at § 87(2)(b) at § 87(2)(b). He had been told more than eight times to leave the building, but he had refused to go. § 87(2)(b) became hostile and resisted arrest by throwing his arms and body (Encl. 8A-D).

Arrest Documentation

PO Adams prepared arrest and complaint reports for § 87(2)(b) (Encl. 8E-I). At 3:10 p.m. on February 15, 2014, § 87(2)(b) was arrested at § 87(2)(b) in Staten Island. § 87(2)(b) had entered the location without permission. When officers attempted to arrest § 87(2)(b) he resisted by flailing his arms and throwing himself to the ground. An officer was injured attempting to take § 87(2)(b) into custody. § 87(2)(b) was ultimately charged with § 87(2)(b). Notation indicates that no force was used against § 87(2)(b).

Witness Statement – Injury to a Member of the Department

PO Adams prepared a witness statement for a Line-of-Duty Injury Report in regards to PO Kosinski's injury. At approximately 3:10 p.m. on February 15, 2014, while attempting to effect an arrest, the perpetrator made jerking motions and threw himself to the ground. PO Kosinski was knocked to the ground as well, landing on his left side. Afterwards, PO Kosinski complained of pain to his back and left side (Encl. 8J).

CCRB Testimony

PO Adams was interviewed at the CCRB on April 25, 2014 (Encl. 8K-M). At approximately 3:10 p.m. on February 15, 2014, PO Adams and PO Kosinski traveled to § 87(2)(b) in Staten Island, in regards to a report of a trespasser. At the location, they were approached by the building's superintendent, identified by the investigation as § 87(2)(b). He explained to the officers that the trespasser, § 87(2)(b) had been evicted from § 87(2)(b) on the day before, but had managed to get back into the building. He showed PO Adams a copy of the eviction notice, dated from February 14, 2014. § 87(2)(b) stated that he only wanted § 87(2)(b) to leave, and did not want to arrest him if possible.

As PO Adams approached § 87(2)(b) she noticed an extension cord leading from the hallway into the apartment. When PO Adams knocked on the front door, § 87(2)(b) opened the door. She did not recall if he was wearing glasses at the time. There were no lights on in the apartment, but

daylight from the windows provided sufficient visibility inside. PO Adams and PO Kosinski told § 87(2)(b) that he had been evicted, and that he had to leave. § 87(2)(b) stated that he did not want to leave, as it was cold outside. During this initial conversation, both § 87(2)(b) and the officers spoke calmly and at a normal volume.

§ 87(2)(b) agreed to leave, but asked to gather his possessions before going. The officers followed § 87(2)(b) back into the bedroom. Once there, though, § 87(2)(b) sat on the bed and refused to move. He produced a copy of the same eviction notice § 87(2)(b) had shown earlier. § 87(2)(b) claimed that the notice gave him permission to stay at the location. PO Adams and PO Kosinski tried to explain that the notice actually said the opposite, but § 87(2)(b) had difficulty understanding this.

As PO Adams and PO Kosinski reviewed the notice with § 87(2)(b) two additional uniformed officers, identified by the investigation as Sgt. Samuylin and PO Dunn of the 121st Precinct, arrived at the apartment. § 87(2)(b) was with them, but waited outside the apartment. PO Adams and PO Kosinski explained the situation to Sgt. Samuylin and PO Dunn. All four officers then attempted to explain the eviction to § 87(2)(b) each taking turns speaking. Despite their efforts, however, § 87(2)(b) still refused to leave the apartment.

Eventually, Sgt. Samuylin told PO Adams and PO Kosinski to place § 87(2)(b) under arrest for trespassing. PO Adams reached for § 87(2)(b)'s right arm, while PO Kosinski reached for the left. In response, § 87(2)(b) stood up, jerked his arms away from them, and started waving his hands at his side. PO Adams told § 87(2)(b) to stop resisting. Instead, § 87(2)(b) threw himself to the floor. None of the officers forced § 87(2)(b) down in any way. As § 87(2)(b) went down, he struck against PO Kosinski, causing him to fall as well. PO Kosinski landed on his left side, while § 87(2)(b) landed face-down on top of PO Kosinski.

PO Kosinski was quickly able to pull himself out from underneath § 87(2)(b) and get back on his feet. § 87(2)(b) buried both of his arms beneath his chest. All four officers reached down and tried to pry § 87(2)(b)'s arms out from underneath him. § 87(2)(b) tried to wriggle his body away from the officers. PO Adams did not recall if § 87(2)(b) or any of the officers said anything during this struggle. In total, it took the officers about five minutes to pull § 87(2)(b)'s arms out and place him in handcuffs. PO Adams did not recall if § 87(2)(b) was still standing outside of the apartment at the time of the arrest.

None of the officers punched or kicked § 87(2)(b) at any point. No officer placed § 87(2)(b) in a chokehold, or made contact with his neck. None of the officers spat on § 87(2)(b). PO Adams did not recall any officers taking a pair of glasses from § 87(2)(b) or damaging § 87(2)(b)'s glasses. PO Adams did not recall § 87(2)(b) asking her or any other officers for their names or shield numbers during the incident.

PO Adams did not observe any injuries to § 87(2)(b) after his arrest. PO Kosinski complained of pain to his back due to the fall. No other officers were injured. After the arrest, § 87(2)(b) was taken outside and placed in the back of a marked police cruiser for transport. Once in the vehicle, however, § 87(2)(b) began hyperventilating. Ambulances were called both for § 87(2)(b) and PO Kosinski. Both individuals were transported to § 87(2)(b). PO Adams did not recall what, if any, treatment § 87(2)(b) received at the hospital.

Subject Officer: PO DAVID KOSINSKI

- PO Kosinski, § 87(2)(b) old at the time of the incident, is a 5'6", 180-pound white male with black hair and hazel eyes.
- On February 15, 2014, PO Kosinski worked the same tour and assignment as PO Adams.

Memo Book

At 2:42 p.m. on February 15, 2014, PO Kosinski received a report of trespassing at § 87(2)(b). At 2:50 p.m., he arrived at the location. At 3:00 p.m., PO Adams arrested a black male for trespassing. The male had been evicted the day earlier. During the arrest, the male dropped his weight while PO Kosinski was holding him, causing both of them to fall to the floor. PO Kosinski injured his lower back and side in the fall. The prisoner later complained of chest pains and shortness of breath. Both PO Kosinski and the prisoner were taken by EMS to § 87(2)(b). After the incident, PO Kosinski went on line-of-duty injury leave for several days (Encl. 9A-C).

CCRB Testimony

PO Kosinski was interviewed at the CCRB on May 15, 2014 (Encl. 9D-F). § 87(2)(g)

When PO Kosinski and PO Adams spoke to § 87(2)(b) at § 87(2)(b), PO Kosinski noted that he was wearing glasses at the time. While PO Kosinski also stated that § 87(2)(b) claimed that he had been given permission by the judge to stay at the apartment, he did not recall § 87(2)(b) producing any kind of documentation to prove this.

PO Kosinski made no mention of § 87(2)(b) flailing his arms at his side when he and PO Adams attempted to pull his arms behind his back. He did state that § 87(2)(b) intentionally dropped himself to the ground once the arrest was initiated. As he fell, § 87(2)(b) knocked PO Kosinski to the ground as well. PO Kosinski landed on his left side, with § 87(2)(b) on top of him. He did not recall how § 87(2)(b) was arranged above him. PO Kosinski felt pain in his lower back and left side as soon as he hit the floor.

After falling, PO Kosinski quickly got to his feet. § 87(2)(b) remained on the ground, where he crossed his arms across his chest, and started kicking his legs. § 87(2)(b) repeatedly shouted, "Fuck you, I'm not leaving!" All four officers leaned down over § 87(2)(b) and started pulling at his arms to place him in handcuffs. It took the officers approximately ten minutes to get the arms loose. They were unable to pull § 87(2)(b)'s arms fully behind his back, so they were forced to restrain him by cuffing each of his hands with a separate set of handcuffs, and then linking the two sets behind his back.

None of the officers punched or kicked § 87(2)(b) at any point. No officer placed § 87(2)(b) in a chokehold, or made contact with his neck. None of the officers spat on § 87(2)(b). PO Kosinski did not recall any officers taking or damaging § 87(2)(b)'s glasses. PO Kosinski did not recall § 87(2)(b) asking her or any other officers for their names or shield numbers during the incident.

PO Kosinski's back and side continued hurting even after the arrest. PO Kosinski did not observe any injuries to § 87(2)(b) after his arrest. When § 87(2)(b) was taken out of the building and placed in a marked police cruiser for transport, however, § 87(2)(b) began hyperventilating and

vomiting. As a result of their respective conditions, both PO Kosinski and § 87(2)(b) were transported by EMS to § 87(2)(b). PO Kosinski was unaware of what, if any, treatment § 87(2)(b) received there.

Subject Officer: SGT. DENIS SAMUYLIN

- Sgt. Samuylin, § 87(2)(b) old at the time of the incident, is a 5'7", 245-pound white male with brown hair and green eyes.
- On February 15, 2014, Sgt. Samuylin worked from 6:55 a.m. until 3:22 p.m. While Sgt. Samuylin is normally assigned to the 121st Precinct, on this date, he was assigned to the 122nd Precinct due to a manpower shortage. He was the patrol supervisor, and his operator was PO Bryan Dunn, also of the 121st Precinct. Sgt. Samuylin was in uniform, and assigned to marked RMP #5685.

Memo Book

At 2:38 p.m. on February 15, 2014, Sgt. Samuylin received a report of an unspecified crime in progress at § 87(2)(b). At 2:50 p.m., he arrived at the location. Sector I had already responded. Sgt. Samuylin attempted to get § 87(2)(b) to leave his apartment. § 87(2)(b) had been lawfully evicted on February 14, 2014. At several points, § 87(2)(b) stood up and agreed to leave, but then changed his mind and sat back down on the bed. Eventually, Sgt. Samuylin, PO Adams and PO Kosinski attempted to arrest § 87(2)(b) for trespassing. When the officers stood him up, he dropped his weight and fell to the ground, causing PO Kosinski to fall as well. On the ground, § 87(2)(b) resisted the officers by alternately locking his arms against his chest, and flailing them at his side. The officers were able to restrain him after five minutes of struggle. When § 87(2)(b) was palced in a vehicle for transport, he began breathing heavily and vomiting. At this time, PO Kosinski complained to Sgt. Samuylin of pain to his lower back. Ambulances were called for both § 87(2)(b) and PO Kosinski, and they were transported to § 87(2)(b) (Encl. 10A-D).

Line-of-Duty Injury Report

Sgt. Samuylin prepared a Line-of-Duty Injury Report for PO Kosinski. At approximately 3:10 p.m. on February 15, 2014, while attempting to effect an arrest, the perpetrator made jerking motions and threw himself to the ground. PO Kosinski was knocked to the ground as well, landing on his left side. Afterwards, PO Kosinski complained of pain to his back and left side (Encl. 10E-F).

CCRB Testimony

Sgt. Samuylin was interviewed at the CCRB on May 8, 2014 (Encl. 10G-I). § 87(2)(g)

On February 15, 2014, Sgt. Samuylin and PO Dunn, normally assigned to the 121st Precinct, had been temporarily assigned to the 122nd Precinct to address a manpower shortage. Sgt. Samuylin worked as the 122nd Precinct's patrol supervisor.

Sgt. Samuylin and PO Dunn arrived at § 87(2)(b) several minutes after PO Adams and PO Kosinski. When they arrived, they spoke with § 87(2)(b) in the lobby. He explained § 87(2)(b)'s situation to them, and showed Sgt. Samuylin the apartment's eviction notice. § 87(2)(b)

§ 87(2)(b) told Sgt. Samuylin that he only wanted to get § 87(2)(b) out of the apartment, and did not want to arrest him. Sgt. Samuylin warned § 87(2)(b) that if § 87(2)(b) did not leave voluntarily, he would have no choice but to arrest him for trespassing. § 87(2)(b) then led Sgt. Samuylin and PO Dunn upstairs to § 87(2)(b).

At the apartment, Sgt. Samuylin found that PO Adams and PO Kosinski had already entered the apartment, and were speaking to § 87(2)(b). § 87(2)(b) was wearing glasses at the time. He was speaking to the officers in a normal tone, and did not appear agitated. When Sgt. Samuylin entered and told § 87(2)(b) that he had been evicted, and needed to leave, § 87(2)(b) objected, stating that the judge had given a stay on the eviction notice. § 87(2)(b) showed Sgt. Samuylin several documents from housing court, but all were dated from months earlier, and would thus have been superseded by the eviction notice.

All four officers spent several minutes trying to convince § 87(2)(b) of this, taking turns addressing him. § 87(2)(b) responded erratically. At various points during the conversation, § 87(2)(b) would stand up and tell the officers that he would leave. He would then quickly sit back down and tell them that he had changed his mind. Sgt. Samuylin did not recall how many times § 87(2)(b) stood up during the conversation, or if § 87(2)(b) made any other movements. While § 87(2)(b) appeared somewhat agitated at this point, he did not raise his voice to the officers.

After spending about ten minutes trying to convince § 87(2)(b) to leave voluntarily, Sgt. Samuylin decided to place him under arrest for trespassing. He did not recall if § 87(2)(b) was still present at the time. Sgt. Samuylin ordered § 87(2)(b) to stand up and place his hands behind his back. In response, § 87(2)(b) held his arms against his chest and refused to move them. Sgt. Samuylin, PO Dunn and PO Kosinski all reached down, grabbed § 87(2)(b) by the arms and pulled him up to his feet. Once on his feet, however, § 87(2)(b) dropped his weight, causing himself to fall to the ground. PO Kosinski fell to the ground at this time as well, but Sgt. Samuylin did not recall why he fell, or if he made contact with § 87(2)(b) at that time. As § 87(2)(b) fell, he shouted something about his glasses. Sgt. Samuylin did not recall what, specifically, § 87(2)(b) said as he fell.

On the floor, § 87(2)(b) continued holding both of his arms against his chest. He also started wriggling his body away from the officers. PO Kosinski got back to his feet almost immediately after he hit the ground. § 87(2)(b) was shouting something at the time, but Sgt. Samuylin did not recall what he was saying. Sgt. Samuylin, PO Dunn and PO Kosinski all leaned down over § 87(2)(b) and tried to pull his arms behind his back for handcuffing. After approximately five minutes, the officers were able to restrain § 87(2)(b). As PO Kosinski had stated, the officers had to use two sets of handcuffs to bring § 87(2)(b) under control.

None of the officers punched or kicked § 87(2)(b) at any point. No officer placed § 87(2)(b) in a chokehold, or made contact with his neck. None of the officers spat on § 87(2)(b). Sgt. Samuylin did not recall any officers taking or damaging § 87(2)(b)'s glasses. Sgt. Samuylin did not recall § 87(2)(b) asking her or any other officers for their names or shield numbers during the incident. Sgt. Samuylin did not recall seeing PO Adams make any kind of physical contact with § 87(2)(b) during the incident.

After the arrest, Sgt. Samuylin did not notice any injuries to § 87(2)(b). § 87(2)(b) was taken out of the apartment and brought to the front of the building for transport. Once he was loaded

into a marked police cruiser, § 87(2)(b) began breathing heavily and vomiting. He told Sgt. Samuylin that he was having an asthma attack. PO Kosinski then approached Sgt. Samuylin and told him that he felt pain in his lower neck and side. Sgt. Samuylin did not know how PO Kosinski obtained these injuries, but assumed that it had resulted from his fall. Sgt. Samuylin called ambulances for both § 87(2)(b) and PO Kosinski.

Subject Officer: PO BRYAN DUNN

- *PO Dunn, § 87(2)(b) old at the time of the incident, is a 6', 225-pound white male. He is bald, and has blue eyes.*
- *On February 15, 2014, PO Dunn worked the same tour and assignment as Sgt. Samuylin.*

Memo Book

At 3:00 p.m. on February 15, 2014, PO Dunn assisted in an arrest. The suspect threw himself to the ground during the struggle, injuring PO Kosinski. At 3:10 p.m., he identified the suspect as § 87(2)(b) and noted that he had been arrested for § 87(2)(b) by PO Adams. PO Kosinski was taken to § 87(2)(b) for his injuries after the arrest (Encl. 11A-C).

Line-of-Duty Injury Documentation

PO Dunn prepared an AIDED report and a witness statement for Line-of-Duty Injury Report in regards to PO Kosinski's injury (Encl. 11D-E). At approximately 3:10 p.m. on February 15, 2014, while attempting to effect an arrest, the perpetrator made jerking motions and threw himself to the ground. PO Kosinski was knocked to the ground as well, landing on his left side. Afterwards, PO Kosinski complained of pain to his back and left side.

CCRB Testimony

PO Dunn was interviewed at the CCRB on May 16, 2014 (Encl. 11F-H), § 87(2)(g)

§ 87(2)(b) only spoke to Sgt. Samuylin in the lobby of § 87(2)(b) while PO Dunn waited nearby. PO Dunn did not review any of the paperwork § 87(2)(b) showed Sgt. Samuylin, and did not know what the paperwork was.

When PO Dunn went upstairs to the apartment, he found PO Adams and PO Kosinski speaking to § 87(2)(b) inside. § 87(2)(b) appeared upset and irate, and periodically raised his voice while speaking to them. PO Dunn did not recall if § 87(2)(b) was wearing glasses at the time. The officers attempted to explain to § 87(2)(b) that he had to leave. Sgt. Samuylin also told § 87(2)(b) that if he did not have other living arrangements, they could take him to the 122nd Precinct stationhouse and help him contact a homeless shelter. When § 87(2)(b) still refused to leave, Sgt. Samuylin warned him that he would be arrested if he did not leave.

Eventually, Sgt. Samuylin ordered § 87(2)(b) to place his hands behind his back. PO Dunn then grabbed § 87(2)(b)'s right arm. He did not recall if any of the other officers made contact with § 87(2)(b) at that time. In response, § 87(2)(b) dropped himself to the ground. This action caused PO Kosinski to fall to the ground. PO Dunn did not recall exactly how § 87(2)(b)'s fall caused PO Kosinski's. He did not recall if the two were making contact at the time, or if § 87(2)(b)

§ 87(2)(b)'s body struck PO Kosinski. As § 87(2)(b) went down, he held both of his arms up against his chest. He landed face-down, covering both of his arms with his body.

PO Dunn leaned down over § 87(2)(b) and tried to pry his arms loose from his body. § 87(2)(b) responded by wriggling his body away from PO Dunn. PO Dunn did not recall if any of the other officers assisted him in this action, but did recall all four officers telling § 87(2)(b) to place his arms behind his back. After several minutes, PO Dunn was able to bring § 87(2)(b)'s arms behind his back. He was forced to use two sets of handcuffs linked together to restrain § 87(2)(b).

None of the officers punched or kicked § 87(2)(b) at any point. No officer placed § 87(2)(b) in a chokehold, or made contact with his neck. None of the officers spat on § 87(2)(b). PO Dunn did not recall any officers taking or damaging § 87(2)(b)'s glasses. PO Dunn did not recall § 87(2)(b) asking her or any other officers for their names or shield numbers during the incident.

PO Dunn did not observe any injuries to § 87(2)(b) after the arrest. PO Kosinski complained of pain to his back and left side, sustained during his fall. When § 87(2)(b) was loaded into a vehicle for transport, he began complaining to the officers about a medical issue. PO Dunn did not recall the specific nature of § 87(2)(b)'s complaint. He did not recall seeing § 87(2)(b) vomit at any point. Both PO Kosinski and § 87(2)(b) were transported from § 87(2)(b) to § 87(2)(b). PO Dunn did not accompany either of them to the hospital.

Medical Records

§ 87(2)(b) Records

At 3:53 p.m. on February 15, 2014, § 87(2)(b) was transported by EMS to § 87(2)(b). § 87(2)(b) was in police custody at the time. He complained of pain to his abdomen, chest and right shoulder, as well as nausea and anxiety. He was alert and oriented. No mention is made of any bruises or abrasions. X-rays to his chest and shoulder revealed no fractures or dislocations. § 87(2)(b) was given painkillers, and discharged back into police custody at 6:00 p.m. (Encl. 12A).

§ 87(2)(b) Records

At 10:04 p.m. on February 15, 2014, § 87(2)(b) was transported by EMS from the 120th Precinct stationhouse to § 87(2)(b). He was still in custody at this time. § 87(2)(b) complained of pain to his neck, abdomen and left shoulder, which resulted from an altercation he had had earlier with the police. No mention is made of any bruises or abrasions. A chest X-ray and CT scans of his head, spine and chest revealed no significant injuries. § 87(2)(b) was given morphine, and discharged back into police custody at 4:00 p.m. on February 16, 2014.

At 3:28 a.m. on February 21, 2014, § 87(2)(b) was again transported by EMS to the Medical Center. He complained of general pain resulting from his arrest, and stated that he had had difficulty filling a prescription for painkillers. § 87(2)(b)'s prescription was refilled, and he was discharged at 6:43 a.m. (Encl. 12B).

NYPD Document(s)

Medical Treatment of Prisoner Report

At 3:40 p.m. on February 15, 2014, § 87(2)(b) was transported by EMS from § 87(2)(b) to § 87(2)(b). He was escorted by PO Jason Leung of the 122nd Precinct. § 87(2)(b) complained of pain in his stomach. He was returned from the hospital to the 122nd Precinct stationhouse at 6:30 p.m. (Encl. 14A).

911 Recording

At 2:35 p.m. on February 15, 2014, a male caller, identified by the investigation as § 87(2)(b) § 87(2)(b) called 911 to report one of his tenants at § 87(2)(b) for trespassing. The tenant had been evicted from § 87(2)(b) on February 14, 2014, but had managed to get back into the building. The tenant had already been warned once by the police to leave the premises. The tenant was not armed or injured, but was speaking in a loud and aggressive tone (Encl. 14C).

Radio Run

At 2:36 p.m. on February 15, 2014, the dispatcher reported a trespasser at § 87(2)(b) stating that the suspect had been forcibly removed from the location the night before. A patrol supervisor, identified by the investigation as Sgt. Samuylin, instructs the dispatcher to call the complainant back to find out why the individual had been removed. The dispatcher called § 87(2)(b) who explained that his tenant had been evicted the day before by the city marshals, but had managed to break back into the building. He offered to wait for the officers in the building lobby. The job was assigned to Sector I.

At 2:44 p.m., Sector I arrives at the location. At 2:50 p.m., Sgt. Samuylin arrives there as well. At 3:10 p.m., Sgt. Samuylin reported that an individual was arrested at the location for trespassing. He initially asked for a cage car to respond to the location to transport the prisoner. Shortly afterwards, he cancels this request. Instead, he requests ambulances at the location both for the prisoner and for an injured officer. The officer suffered minor back injuries during the arrest (Encl. 14C).

122nd Precinct Command Log

§ 87(2)(b) arrived at the 122nd Precinct stationhouse for arrest processing at 6:07 p.m. on February 15, 2014. He was arrested for trespassing by PO Adams. His physical and mental condition was listed as “apparently normal.” From there he was transported from the stationhouse to Central Booking at an unspecified date and time (Encl. 14Q).

Other Evidence

Notice of Eviction

On February 14, 2014, § 87(2)(b) served a formal notice of eviction to § 87(2)(b) § 87(2)(b) and a “John Doe,” identified by the investigation as § 87(2)(b) in regards to § 87(2)(b) at § 87(2)(b) in Staten Island. The notice states that as of that

date, the apartment was in the legal possession of the landlord, listed as § 87(2)(b) (Encl. 13A).

Summons/Arrest for Incident and Disposition

- § 87(2)(b)

Status of Civil Proceedings

- On May 22, 2014, a request was submitted to the Comptroller's office for any notices of claim filed by § 87(2)(b) in regards to the incident. To date, no response has been received (Encl. 18Q).

Civilian(s) Criminal History

- [illegible]

Civilian(s) CCRB History

- § 87(2)(b) has filed the following CCRB complaints (Encl. 2A):
 - § 87(2)(b)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

Subject Officer(s) CCRB History

- PO Elizabeth Adams has been a member of the service for five years and there are no substantiated CCRB allegations against her (Encl. 1A).
- Sgt. Denis Samuylin has been a member of the service for nine years and there are no substantiated CCRB allegations against him (Encl. 1B).
- PO David Kosinski has been a member of the service for three years and there are no substantiated CCRB allegations against him (Encl. 1C).
- PO Bryan Dunn has been a member of the service for two years and there are no substantiated CCRB allegations against him (Encl. 1D).

Conclusion

Identification of Subject Officer(s)

- § 87(2)(b) stated that there was only one female officer present during the incident. He alleged that this officer refused to provide her name and shield number, and placed him in a chokehold. § 87(2)(g)
- § 87(2)(b) stated that all four officers struck him and spat on him during his arrest. § 87(2)(g)
- § 87(2)(b) stated that one of the male officers took his glasses from his face, threw them to the ground, and stepped on them. He was unable to state which of the officers took this action. None of the officers interviewed recalled seeing any officer take this action towards § 87(2)(b). Absent further testimony or documentation, the investigation was unable to identify the officer who allegedly damaged § 87(2)(b)'s glasses. § 87(2)(g)

Allegations Not Pleaded

- § 87(2)(b) alleged that when he opened his apartment door, the four officers immediately walked past him to enter. The eviction notice, however, confirms that § 87(2)(b) was not a legal tenant at the time of the incident, and would not have any authority to deny the officers access to the apartment. Moreover, § 87(2)(b) the superintendent, had consented to the entry by calling the officers to remove § 87(2)(b) from the apartment. § 87(2)(g)
- § 87(2)(b) alleged that PO Adams threatened to drag § 87(2)(b) out of the apartment. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A: Abuse of Authority – PO Elizabeth Adams refused to provide her name and shield number to § 87(2)(b)

§ 87(2)(b) alleged that PO Adams did not provide her name or shield number when he asked her for it. None of the officers recalled § 87(2)(b) asking for any of their names or shield numbers at

any point. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B: Force – PO Elizabeth Adams used a chokehold against § 87(2)(b)

Allegation C: Force – Sgt. Denis Samuylin used physical force against § 87(2)(b)

Allegation D: Force – PO Elizabeth Adams used physical force against § 87(2)(b)

Allegation E: Force – PO David Kosinski used physical force against § 87(2)(b)

Allegation F: Force – PO Bryan Dunn used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Adams wrapped her arm around § 87(2)(b)'s neck and placed him in a chokehold. He also alleged that all four officers repeatedly punched and kicked him on his legs, chest and face during his arrest. During his sworn statement, he stated that he was handcuffed after this force. During his initial complaint, § 87(2)(b) stated that he was handcuffed before the officers started hitting him. All of the officers interviewed denied punching or kicking § 87(2)(b) or seeing PO Adams make contact with § 87(2)(b)'s neck.

The officers all stated that § 87(2)(b) intentionally threw himself to the ground during the struggle, knocking PO Kosinski down in the process and injuring his back. § 87(2)(b) made no mention of any of the officers falling to the ground during any of his statements. In his telephone statement, he mentioned that he was accused of injuring an officer before his arraignment, and that he denied this accusation. PO Kosinski's back injury was documented in a Line-of-Duty Report, with both PO Adams and PO Dunn providing witness statements. § 87(2)(b) has no visible injuries on his face in his arrest photograph. § 87(2)(b)'s medical records make no mention of any physical injuries, including bruises or abrasions.

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

§ 87(2)(g)

Allegation G: Abuse of Authority – An officer damaged § 87(2)(b)'s property.

During his sworn statement, § 87(2)(b) alleged that after the officers struck him, one of the male officers took his glasses from his face and stomped on them. He could not recall which of the officers took this action. In his initial complaint, § 87(2)(b) instead stated that this action took place before the officers hit him. He did not mention this allegation in his telephone statement. While PO Kosinski and Sgt. Samuylin recalled that § 87(2)(b) was wearing glasses, none of the officers interviewed recalled seeing any damage to § 87(2)(b)'s glasses.

§ 87(2)(g)

Allegation H: Discourtesy – Sgt. Denis Samuylin acted discourteously towards § 87(2)(b)

Allegation I: Discourtesy – PO Elizabeth Adams acted discourteously towards § 87(2)(b)

Allegation J: Discourtesy – PO David Kosinski acted discourteously towards § 87(2)(b)

Allegation K: Discourtesy – PO Bryan Dunn acted discourteously towards § 87(2)(b)

He also alleged that all four officers spat on his face. All of the officers denied that any officer spat on § 87(2)(b) during the incident. § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date